

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

**IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION**

No. MD-15-02641-PHX-DGC

**PLAINTIFF'S UNOPPOSED MOTION TO SUBSTITUTE PARTY
AND AMEND THE COMPLAINT**

Plaintiff Gladys Trawick, by and through undersigned counsel, and pursuant to FRCP 25(a) and 15(a)(2) hereby move the Court to substitute Brenda Jackson, Expected Administrator of the Estate of Gladys Trawick, as Plaintiff by way of an Amended Short Form Complaint in the form attached hereto as Exhibit 1, and in support, states as follows:

1. Plaintiff Gladys Trawick was implanted with a Bard IVC Filter and subsequently discovered her injuries in 2017. Plaintiff retained undersigned counsel, who filed a Complaint on her behalf against the Defendants for Gladys Trawick's IVC Filter-related injuries.
2. Plaintiff Gladys Trawick unexpectedly passed away April 20, 2018.
3. Plaintiff's counsel recently learned of Ms. Trawick's passing.
4. Brenda Jackson is the Expected Administrator of the Estate of Gladys Trawick.
5. Federal Rule of Civil Procedure 25(a)(1) provides that "if a party dies and the claim is not extinguished, the court may order substitution of the proper party. A

1 motion for substitution may be made by any party or by the decedent's successor
2 or representative."

3

4 6. Plaintiff hereby submits an Amended Short Form Complaint, attached hereto as
5 Exhibit 1, which substitutes Brenda Jackson, Expected Administrator of the Estate
6 of Gladys Trawick, as Plaintiff.

7

8 7. The death certificate of Gladys Trawick is attached as Exhibit A to the Amended
9 Short Form Complaint.

10

11 8. The Suggestion of Death for Gladys Trawick was filed contemporaneously
12 herewith.

13

14 9. Counsel for Defendants has indicated that they have no objection to this motion.

15 WHEREFORE, Plaintiff respectfully requests that this Court grant Plaintiff's Unopposed
16 Motion to Substitute Party and Amend the Complaint and order the Clerk to file the
17 Amended Short Form Complaint, attached hereto as Exhibit 1.

18

19 DATED: 08/01/2018

Respectfully Submitted,

20
21 /s/ Marlene J. Goldenberg
22 Stuart L. Goldenberg (*pro hac vice*)
23 Marlene J. Goldenberg (*pro hac vice*)
24 **GOLDENBERGLAW, PLLC**
25 800 LaSalle Avenue, Suite 2150
26 Minneapolis, MN 55402
27 Tel: (612) 333-4662
28 slgoldenberg@goldenberglaw.com
mjjgoldenberg@goldenberglaw.com

Attorneys for Plaintiffs